



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Chief, Reference Information Center
Office of the Managing Director

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *PanAmSat Corporation v. FCC*, No. 03-1133 and *PanAmSat Corporation v. FCC & USA*, No. 03-1134. Filing of a Notice of Appeal and Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: May 21, 2003

This is to advise you that, on May 9, 2003, PanAmSat Corporation ("PanAmSat") filed a Notice of Appeal and Petition for Review in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. §§ 402(b) and (a), of the following order: *In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1998*, MD Docket No. 98-36, FCC 03-73 (rel. April 9, 2003).

PanAmSat challenges the Commission's imposition of the geosynchronous space station regulatory fee under Section 9 of the Communications Act, 47 U.S.C. § 159(g) for fiscal year 1998. The fee was imposed pursuant to the Court's decision in *PanAmSat Corp. v. FCC*, 198 F.3d 890 (D.C. Cir. 1999). PanAmSat argues that the Commission misapplied that case, and/or failed to assess fees consistently, including providing refunds, for other fiscal years.

The Court has docketed these cases as Nos. 03-1133 and 03-1134. The attorney assigned to handle the litigation of these cases is Stanley R. Scheiner.